

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

|                          |   |                             |
|--------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA | ) |                             |
|                          | ) | Case No. 1:20-CR-135        |
| v.                       | ) |                             |
|                          | ) | Honorable Anthony J. Trenga |
| ABEL AMBROCIO,           | ) |                             |
|                          | ) | Trial: March 29, 2021       |
| <i>Defendant.</i>        | ) |                             |
| _____                    | ) |                             |

**GOVERNMENT’S RULE 16(A)(1)(G) NOTICE**

The United States of America, through Raj Parekh, Acting U.S. Attorney for the Eastern District of Virginia, William G. Clayman, Special Assistant U.S. Attorney (LT), and Jonathan S. Keim, Assistant United States Attorney, notices its intent under Federal Rule of Criminal Procedure 16(a)(1)(G) to introduce expert testimony at trial in the above-captioned matter.

**INTRODUCTION**

The United States may call as witnesses at trial: Federal Bureau of Investigation (“FBI”) Special Agents Benjamin R. Spinale and Ted P. Delacourt; FBI Spanish-language specialist Ramon B. Aguilar, Jr.; and Spanish-language interpreters and translators Cherlin Varela and Janet I. McFadden.

Special Agents Spinale and Delacourt are expected to testify regarding their specialized knowledge of the imaging and forensic examination of digital media. Generally, these witnesses will testify about their individual training and background, the nature of the examinations they conducted in this case, the methods and tools they used to assist in their examinations, and the conclusions and observations resulting from the examinations.

Mr. Aguilar is expected to testify regarding the accuracy and reliability of English translations of Spanish-language online text messages. Similarly, Ms. Varela and Ms. McFadden are expected to testify regarding the accuracy and reliability of certified transcriptions of Spanish-language audio recorded interviews of the defendant and Spanish-to-English translations of these transcriptions. Generally, these witnesses will be asked to explain their respective experience and background, the nature of the transcriptions and/or translations they reviewed and conducted, and the accuracy and reliability of these transcriptions and/or translations.

As described more fully below, this notice sets forth a summary of the bases for the witnesses' expected testimony and their qualifications to so testify,<sup>1</sup> as contemplated by Federal Rule of Criminal Procedure 16(a)(1)(G).

**I. Special Agent Benjamin R. Spinale<sup>2</sup>**

Special Agent Spinale has been employed by the FBI since approximately May 2011. From approximately 2016 to 2018, he was employed as a Special Agent in the FBI's Computer Analysis Response Team ("CART"), and from approximately 2018 to 2020, he was employed by the Operational Technology Division. He presently serves as a Special Agent in the FBI's Washington Field Office, where he is a member of the Child Exploitation and Human Trafficking Task Force. As reflected in his *curriculum vitae*, Special Agent Spinale has attended multiple computer forensic trainings. Specifically, Special Agent Spinale has training and experience extracting evidence from digital devices, including mobile devices, and he has

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<sup>1</sup> The witnesses' *curriculum vitae* are being disclosed directly to defense counsel at the time of filing.

<sup>2</sup> The United States has filed a motion under Fed. R. Evid. 902(11) and (14) requesting a pretrial authentication of the extraction of the LG Cell Phone extracted by Special Agent Spinale. This expert notice is offered in an abundance of caution, should the Court overrule the motion.

attended trainings related to the forensic tools used in this case. Special Agent Spinale also has FBI certifications as a Windows Forensic Examiner, a Cell Phone Examiner, a Digital Extraction Technician (“DExT”), and a CART Technician.

Special Agent Spinale is expected to testify about his examination of a mobile device in this case—namely, the defendant’s LG Cell Phone—and both fact and opinion testimony regarding his findings from that examination, including regarding Facebook activity discovered on the device. Special Agent Spinale will offer technical and specialized knowledge regarding forensic tools and forensic examinations, the process and purpose of forensically examining digital devices in general, and the process and forensic tools he used to examine the defendant’s particular LG Cell Phone. Special Agent Spinale is also expected to testify that he processed the data extracted from this device and about the Cellebrite forensic tools he used to process this data to make it more readily comprehensible. A forensic report containing a digital extraction of the data on this device was first provided to the defense on or about October 21, 2020. A second report containing a digital extraction of the data on this device was provided to the defense on or about January 29, 2021. Forensic evidence from this second digital extraction was also provided to the defense on December 9, 2020.

## **II. Special Agent Ted P. Delacourt**

The United States may also call as a witness Special Agent Ted P. Delacourt, who is a Special Agent at the FBI Washington Field Office’s Child Exploitation Task Force. Special Agent Delacourt has been employed by the FBI as a Special Agent in various divisions since approximately 2006. As reflected in his *curriculum vitae*, Special Agent Delacourt has received forensic training as a DExT and has training and experience in imaging and extracting evidence

from digital devices, including laptop computers. Special Agent Delacourt specifically has training and experience related to the forensic tools used in this case.

Special Agent Delacourt is expected to testify about the nature of his examination of a digital device in this case—namely, a Compaq laptop computer recovered from the defendant’s residence—and the results of that examination. The government expects Special Agent Delacourt to testify about his technical and specialized knowledge regarding forensic tools and forensic examinations, the process and purpose of forensically examining digital devices, and the process and forensic tools he used to examine the laptop recovered from the defendant’s home. Special Agent Delacourt is also expected to testify about processing the data extracted from this device and the forensic tools he used to process this data to make it more readily comprehensible. A report containing details and findings from Special Agent Delacourt’s examination of this device was provided to the defense on or about February 16, 2021.

### **III. Spanish-Language Specialist Ramon B. Aguilar, Jr.**

The United States may also call as a witness FBI Spanish-language Specialist Ramon B. Aguilar, Jr. Mr. Aguilar has worked as a Spanish-language Specialist at the FBI’s Washington Field Office since approximately May 2019. In this role, Mr. Aguilar translates written and audio materials from Spanish to English and from English to Spanish and provides interpreting services during interviews. From approximately 2010 to 2019, he worked as a contract linguist with the FBI, providing similar interpretation and translation services for Spanish-language material. Mr. Aguilar is a native Spanish speaker and has completed specialized language analyst training with the FBI, as well as a federal court interpreter workshop provided by the Supreme Court of the Commonwealth of Virginia.

Mr. Aguilar is expected to testify about his above experience and the process by which he reviewed and certified the accuracy of certain English translations of Spanish-language messages recovered from Facebook during this investigation. He is expected to testify that he reviewed English-language translations of these messages—the vast majority of which were written in Spanish—that had been initially prepared by other translators. He is also expected to testify that, based on his review, he concluded and certified that the translations were fair and accurate Spanish-to-English translations of the messages. A copy of the Spanish-language messages (with child sexual abuse material removed) was first provided to the defense on or about July 9, 2020. A copy of the Spanish-language messages that included the certified English-language translations of certain messages presented in side-by-side format was first provided to the defense on or about December 9, 2020.

#### **IV. Spanish-Language Interpreter Janet I. McFadden**

The United States may also call as a witness Spanish-language interpreter Janet I. McFadden. As reflected in her *curriculum vitae*, Ms. McFadden has worked as a freelance Spanish-to-English and English-to-Spanish interpreter and translator since approximately 2007. She has been court-certified to serve as an interpreter and translator, and her professional experience includes transcribing and translating documents and interviews and providing interpretation services for judicial and legal proceedings.

Ms. McFadden is expected to testify about her above experience and the process by which she transcribed and translated an audio recording of an interview of the defendant conducted on October 28, 2019. The vast majority of the recorded interview was conducted in Spanish. Ms. McFadden is expected to testify that the transcription she prepared of this interview is a fair and accurate transcription of the recorded audio interview. She is further

expected to testify that the translation she prepared of this transcription from Spanish to English is a fair and accurate translation of this Spanish-language transcription. A copy of the audio recording of this interview was first provided to the defense on or about June 12, 2020. A copy of the certified Spanish-language transcription of this interview with the English-language translations presented in a side-by-side format was first provided to the defense on or about December 9, 2020.

**V. Spanish-Language Interpreter Cherlin Varela**

The United States may also call as a witness Spanish-language interpreter Cherlin Varela. Since approximately 2014, Ms. Varela has been employed as a Spanish-language interpreter by JTG, Inc. In this role, she provides interpretation services to the Criminal Division of the U.S. Department of Justice as an independent contractor. Specifically, she performs interpretations, conducts interviews, and provides transcriptions and translations of video and audio materials. As reflected in her *curriculum vitae*, Ms. Varela has over 15 years of experience as a Spanish-language interpreter and translator in various capacities, including in courtroom settings, and has received certifications as an interpreter and translator. In addition to speaking Spanish as her first language, Ms. Varela has studied English since she was a child and holds a master's degree in Spanish.

Ms. Varela is expected to testify about her above experience and the process by which she transcribed and translated an audio recording of an interview of the defendant conducted on February 20, 2020. The vast majority of the recorded interview was conducted in Spanish. Ms. Varela is expected to testify that the transcription she prepared of this interview is a fair and accurate transcription of the recorded audio interview. She is further expected to testify that the Spanish-to-English translation she prepared of this transcription is a fair and accurate translation

of this Spanish-language transcription. A copy of the audio recording of this interview was first provided to the defense on or about June 12, 2020. A copy of the certified Spanish-language transcription of this interview with the English-language translations presented in a side-by-side format was first provided to the defense on or about December 9, 2020.

Respectfully submitted,

Raj Parekh  
Acting United States Attorney

By: /s/

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